

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Herrera v. County of San Benito

No. 24-cv-01133-NC (N.D. Cal. Aug. 11, 2025) · No. 24-cv-01133-NC · Decided August 11, 2025

SUMMARY

The United States District Court for the Northern District of California grants Rosario Herrera’s motion for leave to file a fourth amended complaint against the County of San Benito. The court finds good cause under Federal Rule of Civil Procedure 16(b) and concludes that amendment is appropriate under Rule 15(a), rejecting arguments of undue delay, bad faith, prejudice, and futility. The proposed amendment adds claims concerning failure to protect inmates, inadequate and reckless training, and alleged violations of the ADA and Rehabilitation Act.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 11, 2025
DOCKET	24-cv-01133-NC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave under Federal Rules of Civil Procedure 16(b) and 15(a) to file a fourth amended complaint after the scheduling-order amendment deadline, after fact discovery closed, and while Defendant's motion for summary judgment was pending.
STANDARD OF REVIEW	A motion to amend after entry of a scheduling order is first evaluated under Rule 16(b)'s good-cause and diligence standard, followed by Rule 15(a)'s liberal amendment standard. Under Rule 15(a), courts consider undue delay, bad faith, prior amendments, undue prejudice, and futility, with prejudice carrying the greatest weight.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Rosario Herrera v. County of San Benito

TOPICS

- motion to amend
- pleadings
- civil procedure
- summary judgment
- ada / disability

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

municipal liability

QUESTIONS PRESENTED

1. Whether Plaintiff showed good cause under Federal Rule of Civil Procedure 16(b) to modify the scheduling order and seek amendment after the deadline.
2. Whether leave to amend should be granted under Federal Rule of Civil Procedure 15(a) despite the timing of the motion, prior amendments, pending summary judgment, and Defendant's asserted prejudice.
3. Whether the proposed ADA and Rehabilitation Act claim was futile on the face of the proposed pleading.

HOLDINGS

1. Plaintiff established good cause under Rule 16(b) because she acted diligently after learning facts supporting the proposed amendments through late discovery.
2. Leave to amend was warranted because Defendant did not establish undue prejudice or a strong showing of the other Foman factors, and Rule 15(a)'s policy favors liberal amendment.
3. The proposed claims were not shown to be futile because the court could not conclude from the face of the proposed complaint that no set of facts could support a valid claim; challenges concerning the merits and conflicting evidence were better addressed on a motion to dismiss or summary judgment.

KEY QUOTATIONS

“As discussed below, the Court finds Plaintiff’s motion meets the good cause standard of Federal Rule of Civil Procedure 16(b) and the liberal amendment standard of Federal Rule of Civil Procedure 15(a).” (at 1)

“Only after a court is satisfied that there is good cause under Rule 16(b) does it assess whether amendment is proper under Rule 15.” (at 2)

“Rule 15(a) instructs that courts “should freely give leave when justice so requires”—a policy that is “to be applied with extreme liberality.”” (at 4)

“The merits or facts of a controversy are not properly decided in a motion for leave to amend and should instead be attacked by a motion to dismiss for failure to state a claim or for summary judgment.” (at 10)

“Because Defendant does not establish undue prejudice or a strong showing of the other Foman factors, the Court finds Plaintiff’s motion meets the liberal amendment standards of Rule 15(a).” (at 11)

FACTUAL BACKGROUND

Rosario Herrera brought claims on behalf of herself and her deceased son, Jessie Andrew Barrientos, who died by suicide while held as a pretrial detainee at the San Benito County Jail. After discovery, including depositions and document productions occurring in late May and June 2025, Plaintiff asserted that she learned facts supporting additional claims concerning failure to protect, inadequate and reckless training, and alleged

violations of the ADA and Rehabilitation Act. She provided Defendant a proposed amended complaint on June 30, 2025, and filed her motion for leave to amend on July 18, 2025, while Defendant's summary-judgment motion was pending.

PROCEDURAL HISTORY

Plaintiff initiated the action in San Benito County Superior Court, and Defendant removed it to the Northern District of California. The court dismissed the first and second amended complaints, denied a motion to strike the third amended complaint, and granted in part and denied in part a motion to dismiss the third amended complaint. Plaintiff then moved for leave to file a fourth amended complaint adding two Section 1983 claims and claims under Title II of the ADA and the Rehabilitation Act.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiff was ordered to file the fourth amended complaint and exhibits as a separate docket entry by August 14, 2025. The parties were ordered to meet and confer and file a joint statement by August 18, 2025 addressing the impact of the amended complaint on the pending summary-judgment motion and proposing any resulting schedule changes.

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607-09 (9th Cir. 1992)
- Skillz Platform Inc. v. AviaGames Inc., No. 21-cv-02436-BLF, 2023 WL 7308385, at *1-3 (N.D. Cal. Nov. 6, 2023)
- Eminence Cap., LLC v. Aspeon, Inc., 316 F.3d 1048, 1051-52 (9th Cir. 2003)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- DCD Programs, Ltd. v. Leighton, 833 F.2d 183, 187-88 (9th Cir. 1987)
- Jackson v. Bank of Hawaii, Jackson v. Bank of Haw., 902 F.2d 1385, 1388 (9th Cir. 1990)
- Dunbar v. Google, Inc., No. 12-cv-003305-LHK, 2012 WL 6202797, at *13-15 (N.D. Cal. Dec. 12, 2012)
- DNA Genotek Inc. v. Spectrum Sols. L.L.C., No. 21-cv-00516-RSH-DDL, 2023 WL 3442085, at *4-9 (S.D. Cal. May 12, 2023)
- AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 953 & n.10 (9th Cir. 2006)
- Zoe Mktg., Inc. v. Impressons, LLC, No. 14-cv-1881-AJB (WVG), 2015 WL 12216341, at *4 (S.D. Cal. Dec. 15, 2015)
- Dep't of Fair Emp. and Housing v. Law Sch. Admission Council, Inc., No. 12-cv-1830 EMC, 2013 WL 485830, at *5-6 (N.D. Cal. Feb. 6, 2013)
- West v. Atkins, 487 U.S. 42, 54, 56 (1988)
- Genentech, Inc. v. Abbott Laboratories, 127 F.R.D. 529, 531 (N.D. Cal. 1989)
- Allen v. Bayshore Mall, No. 12-cv-02368-JST, 2013 WL 6441504, at *4-5 (N.D. Cal. Dec. 9, 2013)

- Netbula, LLC v. Distinct Corp., 212 F.R.D. 534, 539 (N.D. Cal. 2003)
- Merino v. County of Santa Clara, No. 18-cv-02899-VKD, 2019 WL 2437176, at *9-10 (N.D. Cal. June 11, 2019)
- Razon v. County of Santa Clara, No. 17-CV-00869-LHK, 2018 WL 405010, at *10 (N.D. Cal. Jan. 12, 2018)

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